

EXECUTIVE OFFICE, STATE OF TEXAS,

AUSTIN, April 29, 1874.²⁵

To the Honorable Senate of the State of Texas:

Gentlemen—I respectfully return without my approval Senate joint resolution No. 391, “To annex the parishes of Caddo and DeSoto, in the State of Louisiana, to the State of Texas.” This bill having originated in the Senate, I briefly present to your honorable body my objections to it.

The aggregate population of Caddo and DeSoto parishes constitute, according to the census of 1870, about one-twentieth of the entire population of Louisiana. Not having the means of ascertaining what proportion the taxable property of those two parishes bears to the entire wealth of the State of Louisiana, I will assume that their proportion of taxable property is the same as their proportion of population—say one-twentieth.

The public or State debt of Louisiana is variously stated at from twenty-five to forty millions of dollars. The *pro rata*, then, of that debt to be paid by these two parishes will be one-twentieth of that amount, say one and a half or two millions of dollars.

The second section of this bill pledges the State of Texas to “make the said parishes pay their *pro rata* share of the State debt of Louisiana existing at the date of the cession.” If the power existed, without controversy, in the State government of Texas to make this pledge for the people of Texas, the magnitude of the debt, for the size and population of the territory to be acquired, is sufficient ground for hesitation and deliberation and a careful survey of consequences before making it.

It is still more important that we consider well what we do in this regard, when we take into the estimate the great doubt which exists of the power of the Legislature to do that which it pledges Texas to do. It is true that the two provisos at the end of the second section of this bill distinctly announce that Texas shall in no event be responsible for that debt of these two parishes; yet, if the proposition involved in this bill is accepted by Louisiana, it will surely be done on the faith that this government has the right to make and the power to redeem that pledge; and would not the honor of Texas, if it were so accepted, demand its performance? The State of Louisiana has a right to believe that the government of Texas knows its powers, and if that government pledges that Texas will make Caddo and De Soto parishes pay their *quota* of the debt of Louisiana will have a right to demand

²⁵*Senate Journal*, 522-525.

that Texas shall do it, if she fails to make these parishes do it after their annexation.

Does the Government of Texas possess the constitutional right to make and the power to redeem this pledge?

Section nineteen, of Article twelve of the Constitution, declares that "Taxation shall be equal and uniform throughout the State." Now, whenever the cession contemplated by this bill is perfected and the constitution and laws of Texas are extended over the territory embraced in Caddo and De Soto parishes and that territory becomes part and parcel of Texas, can a tax be constitutionally levied and collected in those two parishes, unless the same tax is at the same time equally and uniformly collected in all the other counties of Texas? Or, to put the question in another shape, suppose the proportion of the debt to be paid by Caddo and De Soto parishes is ascertained, and before the cession the bonds of these parishes are executed and delivered to the State of Louisiana to secure its payment, and they come into Texas with this municipal debt hanging over them, the Government of Texas can authorize the county or parish authorities to levy and collect a tax to meet it; but, suppose these authorities fail or refuse to levy and collect the tax, can the Legislature compel them to do it? If the Legislature has in one case no power to levy and collect the tax, and in the other no power to compel the parish authorities to do it, how can they "make the said parishes pay their *pro rata* share of the State debt of Louisiana, existing at the date of the cession?" I do not wish to be understood to say that the Legislature of Texas would not have the power in either case to enforce collection of a tax to meet the debt in question. I am not prepared to go so far upon the limited investigation I have found time to give the question, but I do say that the power of the Legislature in either case is extremely questionable, and involved in the greatest doubt. High legal authorities may be found on both sides of the question. The pledge is direct, certain and unambiguous; the power to perform is extremely doubtful, and to the extent of this doubt, the State of Texas would, if the proposition contained in this bill were accepted, in my judgment, become bound to the State of Louisiana for that portion of her public debt which should be paid by Caddo and De Soto parishes.

I do not believe that your honorable body contemplated when passing this bill any such contingency as an entanglement of Texas in any event in an obligation to pay any portion of the public debt of Louisiana.

Another consideration occurs to me as one which should have much force with us in considering the objects of this bill. The State Government of Louisiana is believed almost universally to have been forced

upon the people of that State against their will and without their consent.

That people, for years past, have maintained an heroic but most unequal struggle for the right of self government, and so far without success. They have been and are now dominated by rulers not of their choice, and by taxation amounting to confiscation have been reduced from opulence to bankruptcy. Shall Texas, by treating for the cession of this territory, acknowledge the legitimacy of the present State Government of Louisiana, and when the people of that State have no voice, and can give no consent, and can make no protest, receive one-twentieth of her population and a large portion of her territory? The blood and bones of the men of Texas and Louisiana are mingled on a hundred battlefields, where, in common cause, they stood side by side and shoulder to shoulder and died like heroes together. Shall we, forgetful of the sacred ties of the past and the glorious history of Louisiana and of her magnificent men and noble women, now that bondage and flood and famine are upon them, join hands with their oppressors and help to despoil them? I know that your honorable body feels as I do, and will answer this question as I would. I can appreciate the ties of neighborship, of blood and kindred and commerce, which bind the people of the Eastern border of Texas to those in the territory proposed to be annexed, but suggest that it were better to wait before acting on this subject until a government, acknowledged by the people of Louisiana to be legitimate, and which can truly represent them, is in existence, before prosecuting it further. I believe it to be an act of simple justice to the people of Louisiana to do this. Texas, who so jealously guards and asserts the rights of the State, should not be a party to the blow which will be stricken the State right doctrine, whenever the existing State government of Louisiana shall be acknowledged rightful and constitutional. In this day of political unsettlement and disquietude I regard the constitutional guarantees of the right of self government to the States as the sheet anchor of American liberty, and the attack upon that right in the State of Louisiana, in the overthrow of the chosen government of her people and the erection of another in its stead against their consent and protest, as the most dangerous assault ever made upon it, and believe that you will agree with me in saying that Texas should take no action which by any construction can be held an endorsement of it.

Believing this joint resolution to have been improvidently passed, I respectfully ask its reconsideration.

Very respectfully,

RICHARD COKE.